

REMARKS

Status of the Claims & Formalities

Claims 1-51 are all the claims pending in the application.

Summary of Rejections

1. Claims 1-51 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-19 of copending Application No. 10/564,315.
2. Claims 1-23 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-19 of copending Application No. 10/542,507.
3. Claims 1-23 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-26 of copending Application No. 11/587,442.

Double Patenting Rejections

1. *Claims 1-51 over claims 1-19 of copending Application No. 10/564,315.*

Applicants submit herewith a terminal disclaimer to overcome the double patenting rejection under co-pending Application No. 10/564,315. By submitting the terminal disclaimer, Applicants do not concede to the validity of the rejections under co-pending Application No. 10/564,315.

2. *Claims 1-23 over claims 1-19 of copending Application No. 10/542,507.*

Applicants submit herewith a terminal disclaimer to overcome the double patenting rejection under co-pending Application No. 10/542,507. By submitting the terminal disclaimer, Applicants do not concede to the validity of the rejections under co-pending Application No. 10/542,507.

3. *Claims 1-23 over claims 1-26 of copending Application No. 11/587,442.*

The only remaining rejection is the provisional obviousness-type double patenting rejection under co-pending Application No. 11/587,442. Since co-pending Application No. 11/587,442 was filed after the present application, Applicants respectfully request that the Examiner withdraw this rejection in accordance with MPEP § 804(I)(b)(1).

MPEP § 804(I)(b)(1) states:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn.

MPEP § 804(I)(b)(1) (emphasis added).

The current application (U.S. App. No. 10/564,748) was filed on June 21, 2006, and the co-pending application (U.S. App. No. 11/587,442) was filed on October 25, 2006. Accordingly, the present application is the earlier filed application and withdrawal of the double-patenting rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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